

anan of Scurry, Smith, Strickland, Clark, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 9, 1917.
Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 597, A bill to be entitled "An Act to rearrange the Thirty-second, Thirty-ninth and Seventieth Judicial Districts, providing the time for holding courts in the said counties, etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Buchanan of Scurry, Chairman; Henderson, Dean, Johnston of Harris, Hall, Parr.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 9, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 330, A bill to be entitled "An Act to create a Criminal District Court for the counties of Nueces, Kleberg, Willacy and Cameron, and to prescribe the jurisdiction thereof as a criminal court; and also conferring upon said court the power to try and determine divorce causes, to fix the time for holding the terms thereof; provide for the appointment and election of the judge thereof; to provide for the sheriff, clerk and attorney thereof, and their election; to limit and conform thereto the jurisdiction of the court of the Twenty-eighth Judicial District of the State of Texas; to conform and validate all writs, processes, bonds, recognizances, and drawing of petit and grand juries of such courts to the changes made herein; and to define the jurisdiction of the District Court of the Twenty-eighth Judicial District of Texas; to repeal all laws and parts of laws in conflict herewith and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recom-

mendation that it do pass but be not printed.

Buchanan of Scurry, Chairman, Johnston of Harris, Henderson, Hall, Parr.

TWENTY - SIXTH DAY.

Senate Chamber,
Austin, Texas,
Monday, February 12, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Henderson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Johnston of Harris.

Absent—Excused.

Alderdice. Sulter.
Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with on motion of Senator Clark.

Excused.

Senator Alderdice for today, on account of sickness, on motion of Senator Robbins.

Senator Parr for today on account of important business, on motion of Senator Bee.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Simple Resolution No. 70.

(By unanimous consent.)

Whereas, the mailed hand of affliction has fallen upon our much esteemed and universally loved friend, the Hon. J. R. Astin, of Brazos County, taking from him by death his brother and companion, Mr. John Astin, a stalwart Democrat, a Christian gentleman and much honored citizen of that county;

Therefore, be it resolved, That in the death of Mr. John Astin Texas has lost a valuable citizen, the Democracy of this State one of its strongest workers, and a wife a tender, kind and loving husband, and all mankind a big, true-hearted friend.

And it is further resolved, That the Senate of Texas mourns with ex-Senator Astin the loss of this good man; that a copy of these resolutions be spread on the Senate Journal and also a copy be sent to ex-Senator Robert Astin and a copy to the bereaved wife of our departed citizen.

Hudspeth, Decherd, Alderdice, Bailey, Bee, Buchanan of Bell, Buchanan of Scurry, Caldwell, Clark, Dayton, Dean, Floyd, Gibson, Hall, Harley, Henderson, Hopkins, Johnson of Hall, Johnston of Harris, King, Lattimore, McCollum, McNealus, Page, Parr, Robbins, Smith, Strickland, Suiter, Westbrook, Woodward.

The resolution was read and adopted by a unanimous rising vote of the Senate.

Committee Substitute for S. B. No.

108—Printed.

On motion of Senator Hudspeth, the committee substitute for S. B. No. 108 was ordered printed in the Journal and will be found in Appendix B today.

Senate Bill No. 309 Recommitted.

By unanimous consent and on motion of Senator Hudspeth, S. B. No. 309 was recommitted to the Committee on Internal Improvements.

Bills and Resolutions.

By Senator Dayton:

S. B. No. 338, A bill to be entitled "An Act to amend Section 696 of the Penal Code of Texas."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Lattimore:

S. B. No. 339, A bill to be entitled "An Act creating a State Board and Department of Charities and Corrections, defining its powers and duties, authorizing it to license charitable and correctional institutions soliciting funds from the public and to charge a fee therefor; appropriating the fees so collected to the support of the department; authorizing the board to visit and inspect all charitable and correctional institutions supported in whole or in part by public funds, except those under the control of the Board of Prison Commissioners, requiring the collection of information and making of annual and special reports to the Governor and the Legislature, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Hudspeth:

S. B. No. 340, A bill to be entitled "An Act providing for the filing of suits by cities, towns and villages, incorporated under general laws to enforce the payment of delinquent taxes, providing for the filing of such suits by the city attorney, or by the mayor or attorney employed for that purpose; providing for the stay of execution for ninety days and for the redemption of property so sold within six months thereafter."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Hudspeth:

S. B. No. 341, A bill to be entitled "An Act to amend Article 4862, Title 71, Chapter 8, of the Revised Civil

Statutes of the State of Texas as amended by Chapter 108, Acts of the Thirty-third Legislature pertaining to insurance, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator McCollum:

S. B. No. 342, A bill to be entitled "An Act requiring the Commissioner of Insurance to license agents of insurance companies, what the license shall state and how obtained, and providing for revocation of such license, termination thereof, for renewal of same, and providing a penalty for violation of this act, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Hudspeth:

S. B. No. 343, A bill to be entitled "An Act to amend Articles 7282, 7283, 7284, 7285, 7286, 7287 and 7289, of Chapter 7, Title 124, of the Revised Civil Statutes of Texas, 1911, providing for the protection of stock raisers in certain localities, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Hudspeth:

S. B. No. 344, A bill to be entitled "An Act to amend Article 529, Title 14, Chapter 6, of the Revised Civil Statutes of the State of Texas, 1911, relating to books and records of State banks and trust companies."

Read first time and referred to Committee on Insurance and Banking.

By Senator Hudspeth:

S. B. No. 345, A bill to be entitled "An Act defining the practice of law and law business, prohibiting the doing thereof for a valuable consideration by persons not licensed as attorney at law, by voluntary association, or by corporation, and providing penalties and remedies for the violation thereof."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 346, A bill to be entitled "An Act to amend Article 3866,

Chapter 3, Title 58, Revised Civil Statutes of 1911, relating to the compensation of ex officio services of sheriffs in counties having less than twenty-five thousand population."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Woodward:

S. B. No. 347, A bill to be entitled "An Act to amend Article, 3864, Chapter 3, Title 58, Revised Civil Statutes of 1911, relative to the fees of sheriffs,"

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Robbins:

S. B. No. 348, A bill to be entitled "An Act to amend Title 115, Chapter 15, of the Revised Civil Statutes of this State by adding immediately following Article 6653 a new article to be known as Article 6653a, and providing in substance that the Railroad Commission of Texas shall be hereafter known as the Railroad and Public Utilities Commission of Texas, and providing that it shall have as a seal a star of five points with the words 'Railroad and Public Utilities Commission of Texas' engraved thereon; making all laws applicable to the Railroad Commission applicable to the Railroad and Public Utilities Commission notwithstanding this change of name and the additional duties conferred by this Act; and also to amend Section 1, Chapter 86, General Laws passed by the Regular Session of the Thirty-second Legislature, and which was 'An Act conferring authority upon the Railroad Commission, and making it its duty to adopt all necessary rates, charges and regulations to govern and regulate persons, associations, and corporations, private or municipal, owning or operating public wharves, docks, or piers, and all property used in connection therewith, or suburban, belt or terminal railroads in Texas, and to fix divisions of rates, charges and regulations between the same and railroads and all other common carriers under the control of the Railroad Commission where a division is proper; providing that all laws made and prescribed for the government and control of railroads shall, as far as applicable, be of equal force against such persons, associations and corporations; authorizing the Commission to require

reports of such persons, associations, and corporations, and giving to said Commission power to correct abuses and prevent unjust discrimination and extortion in rates or charges, of such persons, associations and corporations or any abuse by same; providing penalties for the violation of this Act, and declaring an emergency,' by amending Section 1 thereof so as to confer the power and authority upon the Railroad and Public Utilities Commission of Texas over all public wharves, docks and piers, and all elevators, warehouses, sheds, tracks and other property used in connection therewith in the State of Texas, and over all suburban, belt and terminal railroads in said State, and over all telephone and telegraph companies operating long distance lines fifty miles in length and over as to intrastate long distance calls, over all express companies whether operating on or in connection with steam railroads or electric or interurban railroads as to intrastate traffic, over all pipe lines or companies transporting oil or gas for the public as to intrastate traffic, over all interurban and electric car lines or companies operating from one point to another within this State as to intrastate traffic, over all electric light and power companies conveying electricity for any purpose from one point to another in this State, and over all persons, associations and corporations, private or municipal, owning or operating any such railroad, electric railway, interurban railway, express company, wharf, dock, pier, elevator, warehouse, shed, track or other property, and all such telephone and telegraph lines, pipe lines and electric light and power lines; making it the duty of the Commission to fix and adopt all necessary rates, charges and regulations to govern the utilities or utility companies named; correct abuses, prevent unjust discrimination, fix divisions of rates and charges; making all laws of the State and rules of the Railroad Commission with reference to making rates and with reference to complaints, notices, appearances, the manner and method of hearings, rights of action and trial, and other statutes with reference to procedure concerning or governing the Railroad Commission, with reference to railroads, applicable to the utilities above

named, and according them the same rights and remedies as all railroads; making all statutes with reference to the government, control, management and regulation of railroads by the Commission and penalties for disobedience of its orders so far as they may be made so, applicable to the utilities above named; declaring that all other provisions of Chapter 86 of the General Laws of the Thirty-second Legislature applicable as though the provisions of this section had been embraced in the original Section 1 of said chapter; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Lattimore:

S. B. No. 349, A bill to be entitled "An Act to reorganize the Eighteenth Judicial District of the State of Texas, and to reorganize the Twenty-ninth Judicial District of the State of Texas, and to provide that Somervell County shall be taken from the Twenty-ninth Judicial District and transferred to the Eighteenth Judicial District of the State of Texas; and to prescribe the time for the holding of the courts in said districts, and to make all process issued or served before this Act takes effect, including recognizances and bonds returnable to the terms of court in the several counties and districts as herein fixed, to validate such process, recognizances and bonds, and to validate the summoning of grand and petit jurors, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Hopkins:

S. B. No. 350, A bill to be entitled "An Act to amend Article 3410, Chapter 17, Title 52 of the Revised Civil Statutes of the State of Texas of 1911, relating to raising allowances for the widow and children, so as to provide that no property encumbered by certain liens shall be set aside or appropriated to make up allowances, until the debt or debts secured by such liens are discharged, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Buchanan of Scurry:

S. B. No. 351, A bill to be entitled

"An Act to authorize and empower commissioners courts to purchase poisons and other accessories for the purpose of destroying the prairie dogs, rabbits, rats, coyotes, wolves, wild cats, gophers, ground squirrels, English sparrows and ravens; giving the commissioners court the authority to sell at cost or give such poisons to all persons residing in the county, to be used for such purpose, and providing procedure for the distribution and use of such poison, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Simple Resolution No. 71.

Whereas, The Chesterfieldian ex-Senator from the Eighth Texas District is now in the city, and knowing the musical notes of his charming voice will be an inspiration to his colleagues of the Thirty-third session, therefore be it

Resolved, That Hon. E. H. Carter of Center, Texas, be invited to address the Senate, and that the privileges of the floor be extended to him while sojourning in the city.

SMITH,
KING.

The resolution was read and adopted.

Ex-Senator Carter addressed the Senate briefly.

Bills Signed.

The Chair, President Pro Tem. Henderson, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 71, A bill to be entitled "An Act creating and providing for the enforcement of liens for material, machinery or supplies furnished to, or for labor performed for, owners of land, mines or quarries, or owners of leaseholds for oil, gas or water wells, for oil or gas pipe lines and rights of way, or for mining or quarrying purposes, and for materials, machinery, supplies or labor for the construction, maintenance, operation or repair of oil, gas, or water wells, or for oil or gas pipe lines, mines or quarries, and prohibiting the sale or removal of

property subject to such liens without the consent of the lien holders and providing a penalty therefor."

S. B. No. 123, A bill to be entitled "An Act to make an emergency appropriation for the cost of construction of a fireproof dormitory; to supplement the present available appropriation for the erection of a power plant, and to provide for the maintenance, support and direction of the summer school at the Agricultural and Mechanical College of Texas for the fiscal year ending August 31, 1917, and declaring an emergency."

S. B. No. 203, A bill to be entitled "An Act making an emergency appropriation to construct and equip a fireproof dormitory, complete the administration building and to provide summer support for the College of Industrial Arts, and declaring an emergency."

S. B. No. 214, A bill to be entitled "An Act making emergency appropriation for the support and maintenance of West Texas Normal College to augment the money heretofore appropriated for the regular term of 1917, and declaring an emergency."

S. B. No. 107, A bill to be entitled "An Act to restore and confer upon the county court of Hansford County the civil and criminal jurisdiction belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to said change; to fix the time of holding court, and to repeal all laws in conflict with this Act, and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act to validate titles to school land which has been purchased from the State on condition of settlement and residence in cases where purchaser made settlement thereon and filed his affidavit of settlement in the General Land Office but transferred the land before the expiration of one year from date of award to another qualified purchaser; in cases where the purchaser settled on the land within the time required by law but failed to file in the General Land Office his affidavit of settlement within the time required by law; in cases where the purchaser failed to settle on the land within ninety days from the date of award but actually settled

on the land and filed his affidavit of settlement in the General Land Office as required by law; and in cases where the purchaser has been prevented from making settlement by being called into the militia service of the State or United States, and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act to amend Article 1307, Chapter 24, Title 25, Revised Civil Statutes of 1911, as amended by Chapter 152 of General Laws passed by the Thirty-fourth Legislature, approved April 7, 1915, relating to corporations formed for the purpose of storing, transporting, buying and selling oil and gas and other products, and declaring an emergency."

S. B. No. 211, A bill to be entitled "An Act creating the Crockett Independent School District in Houston County, Texas, and declaring an emergency."

S. B. No. 217, A bill to be entitled "An Act to amend Chapter 155 of the Acts of the Thirty-fourth Legislature; reorganizing the Seventy-fifth Judicial District of Texas; adding thereto the County of Tyler, and removing said county from the First Judicial District of Texas; fixing the time of holding court in the said Seventy-fifth Judicial District and the Ninth Judicial District; repealing by omitting from this Act parts of Sections 1, 2, 3 and 4 of said Acts so amended, and repealing entirely Sections 6, 7, 8 and 9 of said Act so amended, and declaring an emergency."

S. B. No. 133, A bill to be entitled "An Act making an appropriation to construct and complete necessary buildings for the new Texas School for the Blind, and to build necessary fences, walks and drives, and to beautify the grounds, and to furnish all necessary apparatus, equipment and furniture, and to pay the expenses of moving in order to have the said school ready for occupancy, and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act amending Articles 2440, 2441, 2442, 2443, 2444 and 2445, Chapter 2, Title 44, of the Revised Civil Statutes of the State of Texas of 1911, providing for county depositories; providing that the amount of the bond of the county depository shall in no event be for less than the total amount of revenue of the coun-

ty for the next preceding year; adding Article 2443a, providing and requiring special additional bonds to cover any or all special funds, including the sale, or sales, of bonds belonging to the county, or a subscription thereof; providing for the substitution of bonds under the provisions of this Act for bonds now in existence; and declaring an emergency."

H. B. No. 597, A bill to be entitled "An Act to reorganize the Thirty-second, Thirty-ninth and Seventieth Judicial Districts so as to declare what counties compose the Thirty-second, Thirty-ninth and Seventieth Judicial Districts; to fix the time for holding court in the various counties of said districts, to make all process issued to serve before this Act takes effect, including recognizances and bonds returnable to the terms of court as herein fixed and continuing in office judges and district attorneys in each of said districts; to repeal all laws in conflict herewith, and declaring an emergency."

H. B. No. 28, A bill to be entitled "An Act to amend Article 1164 of the Revised Civil Statutes of the State of Texas as amended by Chapter 102 of the Acts of the Regular Session of the Thirty-fourth Legislature, found at page 156 of the printed session Acts, relating to the employment or use of the stock means, assets and other property of corporations, and declaring for what purposes the same may be used; penalizing the officers or agents or employees of such corporations or other organizations who wrongfully use the moneys, means or assets contributed thereto; and declaring an emergency."

H. B. No. 34, A bill to be entitled "An Act constituting the several district judges of counties of certain population a juvenile board of such county, and prescribing the powers and duties of such board, including the appointment by it of probation officers, and providing for the payment of compensation of such officers, and allowing the said district judges an additional salary, to be paid out of the general fund of such county."

Pages Stationed.

I move that the Lieutenant Governor or the President Pro Tem. of the Senate station the Pages at convenient places in the Senate Chamber and require them to keep the places so designated when not on duty.

GIBSON.

The motion prevailed, and the pages were assigned to specific places in the Senate Chamber.

Senate Bill No. 152—House Amendments Concurred In.

Senator Gibson called up

S. B. No. 152, A bill to be entitled "An Act to authorize and empower Lamar County or any political subdivision or defined district of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county, or political subdivision or defined district thereof, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds and provide a sinking fund for the redemption thereof, and for the maintenance of said roads during the life of such bonds for the purpose of construction, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 3 of the Special Acts of the Thirty-first Legislature and Chapter 15 of the Special Acts of the Thirty-second Legislature and all other special road laws for Lamar County, and declaring an emergency."

The following House amendments were laid before the Senate:

(1) Amend Section 14 by inserting after the word "auditor" in line 4 the following: "and county judge."

(2) Strike out Section 19 of proposed Lamar County road law and substitute the following:

"Section 19. When the election has been held by the entire county, the board shall first adopt plans for a system of roads for the entire county, consisting of such a number of

main and secondary roads as may be required to render accessible and connect the different towns and communities of the county. All roads shall be constructed of such durable material as will be permanent, lasting roads. Roads radiating from the county seat are not to be construed by the board as being the only main roads in the county, but roads connecting other towns or communities are also to be regarded by the board as being main roads under the provisions of this Act."

(3) Amend the bill further by striking out Section 36.

On motion of Senator Gibson the foregoing amendments to S. B. No. 152 were concurred in by the following vote:

Yeas—21.

Bailey.	Harley.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	Robbins.
Decherd.	Strickland.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent.

Bee.	McNealus.
Hopkins.	Page.
Johnston of Harris.	Smith.
King.	

Absent—Excused.

Alderdice.	Suiter.
Parr.	

Message from the House.

Hall of the House of Representatives.
Austin, Texas, Feb. 2, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 354, A bill to be entitled "An Act to reorganize the Thirty-eighth, the Fifty-first, the Sixty-third and the Seventieth Judicial Districts of the State of Texas, and to create the Eighty-second Judicial District of the State of Texas, and to prescribe the time and fix the terms of holding the courts in each

of said judicial districts, and to conform all writs and process from such courts to such changes, and to provide for the appointment and election of a district judge and district attorney in said Eighty-second Judicial District, and to make all process issued or served before this act takes effect, including recognizances and bonds returnable to the terms of the courts in the several districts as herein fixed; to validate such process and to validate the summoning of grand and petit jurors and juries; repealing all laws and parts of laws in conflict herewith, and declaring emergency," with engrossed rider.

H. B. No. 302, A bill to be entitled "An Act to amend Article 886, Title 13, offenses against public property. Chapter 6, Penal Code of 1911 of the State of Texas, relative to the protection of certain game, so as to prohibit the killing thereof for the next twenty-five years; repealing all laws in conflict therewith, and declaring an emergency," with engrossed rider.

H. B. No. 289, A bill to be entitled "An Act providing for the return of pension warrants where the pensioner dies during the quarter for which the warrant was issued, the cancellation of the same, and the issuance of a mortuary warrant to pay the funeral expenses of the deceased pensioner, etc., and declaring an emergency."

H. B. No. 231, A bill to be entitled "An Act to amend Article 900, Title 10, of the Code of Criminal Procedure of the State of Texas of 1911, so as to make bail bonds good in all criminal cases until verdict for judgment and until the defendant is taken in custody by the sheriff, and declaring an emergency."

H. B. No. 202, A bill to be entitled "An Act to amend Article, 303, Title 7, Chapter 2, of the Revised Criminal Statutes (1911) of Texas, specifically defining the articles or service that may be sold or rendered on Sunday, as exceptions from the operation of the preceding articles of said chapter, providing that incorporated cities and towns may by ordinance regulate or prohibit such sales, or service, and providing penalties."

H. B. No. 226, A bill to be entitled "An Act for the purpose of promot-

ing and improving the development of the country schools of the State by the appropriation of one million dollars each year, or such part thereof as may be necessary, for the next two fiscal years ending August 31, 1918, and 1919, respectively, by allowing the State Board of Education to aid any one school in any sum not exceeding five hundred dollars in any one year, and providing that schools receiving such aid be located and constructed in a certain way and having certain and necessary equipment, and providing for the employment of competent teachers; and said act further providing that no school having over three hundred scholastics shall receive such aid, and providing that schools receiving such aid shall have had certain percentage of attendance with exceptions, and providing said schools shall levy a local school tax of not less than fifty cents on the one hundred dollars valuation, and providing a course of study for such country schools, and setting aside fifty thousand dollars of the appropriation annually for the relief of backward districts and giving the State Board of Education power to establish rules and regulations for the organization of such country schools and otherwise carrying out the intentions of this act, and defining the powers of the State Board of Education, and providing for assistants to the State Superintendent to be known as rural school supervisors, and providing for reports to be made to the State Board of Education, and providing for the manner of payment and disbursement of all money granted under the provisions of this act, and providing said schools can accept the benefits of this act without waiving the benefits and privileges of other laws, and providing certain funds for the payment of rural school supervisors and their traveling expenses, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair had referred, after their captions had been read, the following House bills:

H. B. No. 226, referred to the Committee on Educational Affairs.

H. B. No. 289, referred to the Committee on State Affairs.

H. B. No. 231, referred to the Committee on Criminal Jurisprudence.

H. B. No. 202, referred to the Committee on Criminal Jurisprudence.

H. B. No. 302, referred to the Committee on Criminal Jurisprudence.

H. B. No. 364, referred to the Committee on Public Printing.

H. B. No. 354, referred to the Committee on Judicial Districts.

(Senator Hudspeth in the Chair.)

Senate Bill No. 68—House Amendments Printed.

Senator McNealus moved that the House amendments to S. B. No. 68 be printed in the Journal.

The motion prevailed and the amendments are here printed as follows:

(1) Amend Senate Bill No. 68 by inserting after the word "hereof" at the end of Section 1 the following: "But the provisions of this act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as above defined; nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system."

(President Pro Tem. Henderson in the Chair.)

Senate Bill No. 149.

(By unanimous consent.)

The Chair laid before the Senate on third reading:

S. B. No. 149, A bill to be entitled "An Act to amend Chapter 177 of the General Laws of the State of

Texas, passed at the Regular Session of the Thirty-fourth Legislature of Texas, relating to county libraries."

The bill was read third time and passed finally.

House Bill No. 46.

Senator Hudspeth called up from the table:

H. B. No. 46, A bill to be entitled "An Act to establish a branch of the Agricultural and Mechanical College of Texas in that portion of Western Texas lying west of the ninety-eighth meridian and north of the thirtieth parallel; providing for the location of such college, its government, and the control of its finances; defining its leading objects and prescribing generally the nature and scope of instruction to be given; providing for the instruction of all students of such college in military science and for the military discipline of all students; conferring upon the board of directors of said college the right of eminent domain; making necessary appropriations for the location, establishment and maintenance of said college, and declaring an emergency."

The bill was read second time on February 8.

Action recurred on the pending amendment, which was as follows:

(1) Amend the bill, page 2, line 4, by adding after the word "Governor" the following: "and in the event the Governor may not be able to act he may appoint a substitute to act in his stead."

The amendment was adopted.

Senator Hudspeth offered the following amendment, which was read:

(2) Amend the bill, page 2, line 28, by adding after the word "lands" the following: "But in no event shall the total sum to be paid for such site upon which said college is located exceed the sum of fifty thousand (\$50,000) dollars."

Senator Dayton offered the following substitute for the pending amendment:

Amend H. B. No. 46 by striking out in line 28, page 2, from the period the words "and provided" in printed bill, and by striking out all of lines 29, 30, 31 and 32.

Pending.

Recess.

At 12:20 o'clock p. m., on motion of Senator Clark, the Senate recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Henderson.

(Senator Bailey in the Chair.)

House Bill No. 46.

(Pending.)

Action recurred upon pending business, House Bill No. 46, and by unanimous consent, the substitute by Senator Dayton for the pending amendment of Senator Hudspeth was withdrawn.

Action recurred upon the amendment and the same was adopted.

Senator Hudspeth offered the following amendments, which were read and adopted, being voted upon separately:

(3) Amend the bill, line 19, page 1, by striking out the figures "30" and insert in lieu thereof "29."

(4) Amend the bill, page 1, line 31, by striking out the figures "30" in said line and insert in lieu thereof the figures "29."

Senator Harley offered the following, which was read:

Amend printed bill, page 2, line 1, by inserting after the word "as" and before the word "Texas" the word "West," and by inserting after the word "Texas" and before the word "Agricultural" the word "Junior."

Senator Gibson offered the following substitute for the pending amendment:

(5) Amend the bill, page 1, line 1, by inserting the word "West" before the word "Texas," and page 3, line 15, by substituting the word "for" in place of the word "at."

Senator Harley moved to table the substitute, which motion to table was lost by the following vote:

Yeas—9.

Dean.	King.
Decherd.	McNealus.
Harley.	Page.

Robbins.	Strickland.
Smith.	

Nays—16.

Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Lattimore.
Dayton.	McCollum.
Floyd.	Westbrook.
Gibson.	Woodward.

Present—Not Voting.

Bailey.	Hall.
---------	-------

Absent.

Johnston of Harris.

Absent—Excused.

Alderdice.	Sulter.
Parr.	

Action recurred upon the substitute for the pending amendment, and the same was adopted.

The amendment as substituted adopted.

Senator Clark moved the previous question on the passage of the bill to its third reading. The motion being duly seconded, the main question was ordered.

The bill was read second time and passed to its third reading by the following vote:

Yeas—17.

Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	Robbins.
Clark.	Strickland.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Nays—5.

Dean.	McNealus.
Decherd.	Smith.
King.	

Present—Not Voting.

Harley.

Absent.

Dayton.	McCollum.
Henderson.	Page.
Johnston of Harris.	

Absent—Excused.

Alderdice. Suiter.
Parr.

Refusal to Adjourn.

At 4:30 o'clock p. m. Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow. The motion was lost.

House Bill No. 46.

(Pending business.)

Action recurred upon H. B. No. 46, and on motion of Senator Hudspeth the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 46 put on its third reading and final passage by the following vote:

Yeas—26.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McNealus.
Dean.	Page.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Harley.	Woodward.

Absent.

Johnston of Harris. McCollum.

Absent—Excused.

Alderdice. Suiter.
Parr.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—19.

Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	Robbins.
Clark.	Smith.
Dayton.	Strickland.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Nays—5.

Dean. King.
Decherd. McNealus.
Harley.

Absent.

Henderson. McCollum.
Johnston of Harris. Page.

Absent—Excused.

Alderdice. Suiter.
Parr.

Senator Hudspeth moved to reconsider the vote by which H. B. No. 46 was passed and table the motion to reconsider.

The motion to table prevailed.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 519, A bill to be entitled "An Act to apply to and govern all insurance corporations incorporated under the laws of this State; making it unlawful for an insurance corporation so created to make a voluntary assignment, and prescribing the duty of such company when it finds itself unable to meet its obligations; making void any voluntary general assignment by such company or any acts relative thereto, and making void all transfer of assets after an act of insolvency or in contemplation thereof, with a view of preferring one creditor over another; declaring that no attachment, injunction or execution shall issue against such an insurance company or its property before final judgment; prescribing the duties of the Commissioner of Insurance and Banking when the capital stock or the reserves of an insurance company become impaired, or when such company is conducting its business in an unlawful, unsafe or unauthorized manner, or has made wrong entries or misapplied funds; defining the duty of the Commissioner in the event such company fails to observe the lawful orders issued by him in

such cases; stating when and under what circumstances the Commissioner of Insurance and Banking shall report the affairs of an insurance corporation to the Attorney General for action, prescribing certain duties for the Attorney General and the district courts and district judges of the State; prescribing a complete scheme of liquidation by a receiver of insolvent insurance corporations and also by the Commissioner of Insurance and Banking; defining the duties of the Commissioner with reference to such liquidation, his authority and the method of liquidation in detail; imposing upon the Commissioner authority to call stockholders' meetings of insurance companies for the selection of a new board of directors under certain conditions; defining how and when and under what circumstances and conditions the Commissioner of Insurance may take charge of the affairs of an insurance corporation and liquidate the same, and in what manner such corporation may place its affairs in the hands of the Commissioner; authorizing the Commissioner to appoint special agents to assist him in the liquidation of such insurance companies, etc."

The House grants the request of the Senate for a free conference committee on S. B. No. 37, and the following have been appointed on the part of the House:

Hardey, McFarland, Bryant, Blackburn, Canales.

Respectfully,

O. P. BASFORD,

Acting Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair (Senator Bailey), had referred, after its caption had been read, the following House bill:

H. B. No. 519, referred to the Committee on Insurance and Banking.

Senate Bill No. 47—House Amendment Concurred In.

Senator Dean called up:

S. B. No. 47, A bill to be entitled "An Act making appropriations for the support and maintenance of the

Sam Houston Normal School; the San Marcos Normal School; the Denton Normal School, and the Canyon City Normal School during the summer of 1917, and declaring an emergency."

The following House amendments were read:

Amend S. B. No. 47 as follows: Provided, that no charge for tuition, laboratory fee or any other fee be charged students.

Amend committee amendment to S. B. No. 47, on page 2, lines 24 and 25, by striking out the words "laboratory fee or any other fee".

On motion of Senator Dean, the Senate concurred in the foregoing House amendments.

An Invitation.

The Chair laid before the Senate the following communication:

Austin, Texas, Feb. 12, 1917.

Hon. F. M. Gibson, Senate, Austin, Texas:

Dear Senator—If there is any chance for a minute, as all I require is to meet the lady stenographers of the Senate and the Senators of the Thirty-fifth Legislature could possibly spare that time between the hours of 9 in the morning and 10:30 at night, I will take great pleasure in inviting them down to see "Peg o' My Heart" next Friday night.

Yours with love and affection,

GEO. H. WALKER,

Manager Hancock Opera House.

Refusal to Adjourn.

Senator McNealus moved that the Senate adjourn until 10 o'clock tomorrow.

The motion was lost.

Senate Bill No. 237.

(Pending Business.)

The Chair laid before the Senate S. B. No. 237, which was read second time on February 9.

Senator Clark moved that the bill be passed to engrossment.

As a substitute, Senator Wood-

ward moved to suspending pending business and take up S. B. No. 298.
Pending.

Adjournment.

At 4:50 o'clock p. m., on motion of Senator McNealus, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX A.

Petitions and Memorials.

Senator Gibson offered numerous-ly signed petitions protesting against the passage of S. B. No. 16 and favoring S. B. No. 80, with reference to observance of the Sabbath.

Senator Buchanan of Scurry offered petitions favoring the reduction of taxes, the passage of a free kindergarten bill, the Sunday amusement bill and opposing the medicine wagon legislation.

Senator Lattimore offered petitions opposing medicine wagon legislation.

The Chair laid before the Senate a memorial signed by all members of the State University faculty asking for full investigation of that institution; also petitions from citizens of Houston to the same effect; together with resolutions adopted by the student body of the university to the same effect.

Senator Caldwell offered a petition favoring S. B. No. 149 without amendment; and a petition from Travis County citizens urging repeal of warehouse law.

Senator Dayton offered a petition from citizens favoring the car shed bill, and another favoring S. B. No. 80, relating to observance of the Sabbath.

Senator Johnson offered a petition favoring S. B. No. 59, the car shed bill.

Senator Bailey and Senator Page each offered petitions favoring the car shed bill.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, February 10, 1917.
Hon. W. P. Hobby, President of the Senate.
Sir: Your Committee on Engrossed

Bills has had Senate Bill No. 322 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, February 10, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 153 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, February 10, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 149 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, February 12, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 165 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, February 12, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 63 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Room,
Austin, Texas, February 12, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 225 carefully compared, and finds the same correctly engrossed.

CALDWELL, Acting Chairman.

Committee Reports.

Committee Room,
Austin, Texas, February 12, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads,

Bridges and Ferries, to whom was referred

S. B. No. 324, A bill to be entitled "An Act to amend Sections 2, 8, 9, 12 and 40 of Chapter 148, Local and Special Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, entitled An Act to authorize and empower Fayette County or any political subdivision of said county, by a vote of a two-thirds majority of the resident property tax payers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turnpikes and prescribing ways and means of conducting and supervising said work. And providing a method of making up tax rolls for deposit and disbursement of said funds and regulation of traffic on said roads, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

CALDWELL, Chairman.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 16, A bill to be entitled "An Act prohibiting the manufacture or sale of road vehicles of certain carrying capacity with tires less than the prescribed width within the State of Texas, fixing penalties for the violation thereof; providing the time at which such Act shall take effect, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CALDWELL, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 3, A bill to be entitled "An Act expressing the assent of the State of Texas to the provisions of an Act of the Sixty-fourth Congress of the United States, approved July 11, 1916, providing for the federal aid in the construction of post roads in the States of the Union; authorizing the Texas Highway Commission to co-operate with the United States Secretary of Agriculture in the administration of the said Act of Congress; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CALDWELL, Chairman.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 2, A bill to be entitled "An Act to establish a State Highway Commission and the office of State Highway Engineer; prescribing the duties of the members of the commission and of the engineer, and fixing the compensation of each; prescribing reciprocal duties for the commission and for the county commissioners' courts; directing the commission to plan and adopt a comprehensive system of State highways, and to promote the construction thereof by co-operation with the counties or independently by the commission; authorizing a policy of State aid to counties in road construction; authorizing the inauguration of a plan of rewards to counties intended to secure the construction of the more durable types of highways; directing co-operation of the department with the Federal Government in the utilization of any funds appropriated by Congress in aid of road construction in this State; authorizing the working of State prisoners on State highways under conditions that may be agreed upon by the Highway Commission and the Prison Commis-

sion and approved by the Governor; providing for the support of the department by State registration of all motor vehicles and motorcycles, and for the distribution to the counties of a part of the moneys received from such registration fees; providing for the furnishing of identification numbers, and for distinguishing seals for the year for which issued, to motor vehicles and motorcycles, and prescribing penalties for the violation of the provisions for registration and identification of such vehicles; making an appropriation to inaugurate the work of the department as provided in this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

CALDWELL, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 229, A bill to be entitled "An Act to amend Section 14, House Bill No. 507, Chapter 37, Acts of 1911, amending Brazos County's special road law, and providing for the compensation of county commissioners acting as road commissioners and road superintendent,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Strickland, Smith, Floyd, Clark.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Commerce and Manufactures, to whom was referred

S. B. No. 197, A bill to be entitled "An Act to create a Board of Public Utility for the State of Texas; defining its powers and duties, and declaring an emergency,"

Have had the same under consid-

eration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LATTIMORE, Chairman.

Committee Room,

Austin, Texas, February 11, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Agricultural Affairs, to whom was referred

S. B. No. 282, A bill to be entitled "An Act to prevent the introduction into and the dissemination in this State of insects, pests and diseases injurious or harmful to plants or plant products; vesting the enforcement thereof in the Commissioner of Agriculture and defining his powers and duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, Your Committee on Towns and City Corporations, to whom was referred

S. B. No. 271, A bill to be entitled "An Act to validate the incorporation of the City of Texas City, and to declare valid all Acts pertaining to the incorporation of said city, and to declare valid, and binding each and every one of the official acts of the mayor and city commissioners sitting as a board of commissioners, since the incorporation of said City of Texas City,"

Have had same under consideration and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris, Chairman.

Committee Room,

Austin, Texas, February 9, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 263, A bill to be entitled "An Act to amend Article 1033, Chapter 14, Title 22, of the Revised Civil Statutes of the State of Texas, adopted in 1911, so as to authorize

the incorporation of towns and villages containing more than two hundred (200) and less than ten thousand (10,000) inhabitants,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate, with the recommendation that it do pass.
JOHNSTON of Harris, Chairman.

Committee Room,
Austin, Texas, February 9, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 317, A bill to be entitled "An Act to authorize cities of over five thousand in population to adopt or amend their charters by consolidation with an adjoining city in the same county under the name and government of the larger of said cities; authorizing the holding of joint elections by the qualified voters of said cities for the purpose of determining whether or not such consolidation shall take place; defining the term consolidation; providing that in the event a majority of the qualified voters voting at such election in each of said cities shall vote in favor of consolidation the result shall be certified to the Secretary of State, and recorded by him, and providing for the recording of the returns of such elections by the officers of the respective cities; providing that all property and assets of such cities shall become the property of the consolidated city, which shall assume all outstanding liabilities against the territory consolidated; providing that the officials of the larger of said cities shall be the officials of the consolidated city, and that the offices theretofore existing in the smaller cities be abolished by consolidation; providing that if such cities have on hand any bond funds voted for public improvements such money shall be used for the purposes and in the territory for and by which voted, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris, Chairman.

Committee Room;

Austin, Texas, February 9, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 328, A bill to be entitled "An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas, to change, re-locate or abandon any portion of its line when without the limits of any incorporated city, town or village and to change, re-locate or abandon any part of its line within the limits of any incorporated city, town or village, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city, town or village, and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or re-located, and validating such changes, re-locations or abandonments, when heretofore made with the permission of the Railroad Commission of Texas, and repealing all laws or parts of laws in conflict herewith, and providing for an emergency,"

Have had the same under consideration, and I am instructed to report the bill back to the Senate with the recommendation that it do pass.

JOHNSTON of Harris, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

S. B. No. 325, A bill to be entitled "An Act to amend Chapter 19, Section 1, of the General Laws of the State of Texas, passed at the First Called Session of the Thirty-fourth Legislature of the State of Texas, changing the time of holding the terms of the district court in the Twenty-third Judicial District of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Buchanan of Scurry, Chairman;
King, Hall, Dean, McCollum.

(Floor Report.)

Senate Chamber,
Austin, Texas, February 9, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Military Affairs, to whom was referred S. B. No. 291, A bill to be entitled "An Act to amend Articles 6756, 6762 and 6763, Title 116, of the Revised Civil Statutes of 1911, of the State of Texas, relating to the compensation and allowance of the Ranger force, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

Robbins, Chairman; Harley, Bee, Woodward, Bailey.

Committee Room,
Austin, Texas, February 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 316, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 883, Revised Civil Statutes of 1911, of the State of Texas, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,
Austin, Texas, February 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 315, A bill to be entitled "An Act to amend Title 22, Chapter 4, Article 879 of the Revised Statutes of the State of Texas, Acts of 1911, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,

Austin, Texas, February 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 314, A bill to be entitled "An Act to amend an Act passed at the Regular Session of the Thirty-fourth Legislature, known as House Bill No. 40, and being Chapter 147 of the printed General Laws of said session, being entitled 'An Act making it the duty of tax collectors to prepare and mail notices and statements of delinquent taxes to the owners of real estate; prescribing the time in which such notices or statements shall be mailed and the manner in which they shall be prepared; providing for the perfecting of the delinquent tax records of the various counties, and making it the duty of the tax collector to prepare such records in certain instances together with supplements thereto; making it the duty of the county and district attorneys to file and institute suits for the collection of delinquent taxes; providing for the issuance of redemption receipts and other statements by tax collectors and for the approval of tax records by the commissioners court and Comptroller of Public Accounts; providing reasonable compensation for the additional duties prescribed in this Act for county officers, making the provisions of this Act mandatory; repealing all laws and parts of laws in conflict herewith, and declaring an emergency; providing reasonable compensation to tax assessors and other county officers mentioned in the Act for additional duties placed upon them by the Act, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,
Austin, Texas, February 10, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend Act of the Thirty-third Legislature, page 116, entitled 'An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed, or are about to fail, to construct their roads and branches, or any part thereof within the time required by law, and declaring an emergency,' so as to relieve railway corporations having charters dated since January 1, 1892, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Committee Room,
Austin, Texas, February 10, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 207, A bill to be entitled "An Act to amend Subdivision 60, Article 1121, of Chapter 2 of Title 25 of the Revised Civil Statutes of Texas, adopted at the Regular Session of the Thirty-second Legislature, as amended at the Regular Session of the Thirty-third Legislature, authorizing the formation of corporations for the construction and operation of interurban electric, gas or gasoline, denatured alcohol or naphtha motor railways with buildings and the right to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate: and authorizing those heretofore organized to acquire, hold and operate other public utilities in and adjacent to the cities or towns within or through which said companies operate, and providing the method of amending their charter so as to expressly include such authority,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

JOHNSON, Chairman.

Enrolling Committee Reports.

Committee Room,
Austin, Texas, Feb. 12, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 107 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, Feb. 10, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 214 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Johnson of Hall. S. B. No. 214.
An Act making emergency appropriation for the support and maintenance of West Texas State Normal College to augment the money heretofore appropriated for the regular term of 1917, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be and is hereby appropriated for the support and maintenance of the West Texas State Normal College for the regular term of 1917, the sum of three thousand six hundred (\$3600.00) dollars, or so much thereof as may be necessary, out of any funds in the treasury not otherwise appropriated.

Section 2. The fact that the building for said normal is very large and the extreme cold weather has required so much fuel as to exhaust the amount of money available for the heating thereof, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read three several days be suspended and this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 211 and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 278, and find it correctly enrolled, and have this day at 11:20 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 278.

An Act amending Articles 2440, 2441, 2442, 2443, 2444 and 2445, Chapter 2, Title 44, of the Revised Civil Statutes of the State of Texas, of 1911, providing for county depositories; providing that the amount of the bond of the county depository shall in no event be for less than the total amount of revenue of the county for the next preceding year; adding Article 2443a, providing and requiring special additional bonds to cover any or all special funds, including the sale, or sales, of bonds belonging to the county, or a subdivision thereof; providing for the substitution of bonds made under the provisions of this Act for bonds now in existence; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 2440, 2441, 2442, and 2443 be, and the same are hereby so amended as to hereafter read, respectively, as follows:

Article 2440. The commissioners court of each county in this State is authorized and required at the February term thereof, next following each general election to receive

proposals from any banking corporation, association, or individual banker in such county that may desire to be selected as the depository of the funds of such county. Notice that such bids will be received shall be published by and over the name of the county judge, once each week for at least twenty days before commencement of such terms, in some newspaper published in said county; and if no newspaper be published therein, then in any newspaper published in the nearest county; and, in addition thereto, notice shall be published by posting same at the courthouse door of said county.

Art. 2441. Any banking corporation, association or individual banker in such county desiring to bid, shall deliver to the county judge, on or before the first day of the term of the commissioners court at which the selection of a depository is to be made, a sealed proposal, stating the rate of interest that said banking corporation, association, or individual banker and deposit offers to pay on the funds of the county for the term between the date of such bid and the next regular time for the selection of a depository. Said bid shall be accompanied by a certified check for not less than one-half of one per cent of the county revenue of the preceding year as a guarantee of the good faith on the part of the bidder, and that, if his bid should be accepted, he will enter into the bond hereinafter provided; and upon the failure of the banking corporation, association or individual banker in such county that may be selected as such depository, to give the bond required by law, the amount of such certified check shall go to the county as liquidated damages, and the county judge shall readvertise for bids.

Art. 2442. It shall be the duty of the Commissioners Court at 10 o'clock a. m., on the first day of each term, at which, by Article 2440, bids are required to be received, to publicly open such bids and cause each bid to be entered upon the minutes of the court, and to select as the depository of all the funds of the county the banking corporation, association or individual banker offering to pay the largest rate of interest per annum for said funds; provided, the commissioners court may reject any

and all bids. The interest upon such county funds shall be computed upon the daily balances to the credit of such county with such depository, and shall be payable to the county treasurer monthly, and shall be placed to the credit of the jury fund or to such funds as the commissioners court may direct. When selection of a depository has been made, the checks of bidders whose bids have been rejected shall be immediately returned. The check of the bidder whose bid is accepted shall be returned when his bond is filed and approved by the commissioners court, and not until such bond is filed and approved.

Art. 2443. Within five days after the selection of such depository, it shall be the duty of the banking corporation, association or individual banker so selected to execute a bond or bonds, payable to the county judge and his successors in office, to be approved by the commissioners court of said county, and filed in the office of the county clerk of said county, with not less than five solvent sureties, who shall own unincumbered real estate in the State not exempt from execution under the laws of this State of as great value as the amount of said bond (or of as great value as the amount of all of said bonds when more than one bond); and said bond or bonds shall in no event be for less than the total amount of revenue of such county for the next preceding year for which the same are made; provided, that nothing herein shall prevent the making of such bond or bonds by a surety company or companies, as provided by law, and payable as herein provided. And provided further, that the commissioners court may accept in lieu of such real estate or surety company security, bonds of the United States, or of the State of Texas, or of any county, city, town or independent school district in the State, which shall be deposited as the commissioners court may direct; the penalty of said bond or bonds not to be less than the total amount of the annual revenue of the county for the years for which said bond or bonds are given, and shall be conditioned for the faithful performance of all the duties and obligations devolving by law upon such depository, and for the payment upon presentation of all checks drawn upon said depository by the county

treasurer of the county and that said county funds shall be faithfully kept by said depository and accounted for according to law. Any suits arising thereon shall be tried in the county for which such depository is selected.

Sec. 2. That there be added to Article 2443 Article 2443a, as follows:

Art. 2443a. Whenever, after the creation of a county depository as in this chapter provided, there shall accrue to the county or any subdivision thereof, any funds or moneys from the sale of bonds or otherwise, the county commissioners court of such county at its first meeting after such special funds shall have come into the treasury, or depository of such county, or so soon thereafter as may be practicable, may make written demand upon the duly accredited and established depository of the county for a special and additional bond as such depository in a sum equal to the whole amount of such special fund, to be kept in force so long as such fund remains in such depository, provided that such extra or special bond may be canceled and a new bond contemporaneously substituted therefor as such special fund may have been reduced, provided that such special bond shall at all times be sufficient in amount to cover such special fund on hand, and provided that upon the failure of such depository to furnish such additional bond within thirty days from the date of such demand, the county commissioners court may cause such special funds to be withdrawn upon the drafts of the county treasurer from such depository, and cause the same to be deposited in some solvent National bank or State bank whose combined capital stock and surplus is in excess of such special fund, and to leave the same or so much thereof as may not have been expended with such National bank or State bank of last deposit, until such time that such county depository may have filed with the county commissioners court the required additional bond, when such special fund or so much thereof as shall not have been expended shall be forthwith returned to and deposited with such county depository; provided that the requiring of such additional or special bond shall be optional with such county commissioners court; provided that any depository bond made under the

provisions of this Act may be substituted for any prior existing depository bond at the time in operation or existence whenever the same may be agreeably done by and between such depository and the securities on such other existing depository bond.

Sec. 3. That Articles 2444 and 2445 be so amended as hereafter to read as follows: As soon as said bond be given and approved by the commissioners court, and the State Comptroller of Public Accounts, an order shall be made and entered upon the minutes of said court designating such banking corporation, association, or individual banker, as a depository of the funds of said county until sixty days after the time fixed for the next selection of a depository; and, thereupon, it shall be the duty of the county treasurer of said county, immediately upon the making of such order, to transfer to said depository all the funds belonging to said county, as well as all funds belonging to any district or other municipal subdivision thereof not selecting its own depository, and immediately upon the receipt of any money thereafter, to deposit the same with said depository to the credit of said county, districts and municipalities; and, for each and every failure to make such deposit, the county treasurer shall be liable to said depository for ten per cent, upon the amount not so deposited, to be recovered by civil action against such treasurer and the sureties on his official bond in any court of competent jurisdiction in the county. And thereupon, it shall also be the duty of the tax collector of such county to deposit all taxes collected by him, or under his authority, for the State and such county and its various districts and other municipal subdivisions, in such depository or depositories, as soon as collected, pending the preparation of his report of such collection and settlement thereon, which shall bear interest on daily balances at the same rate as such depository or depositories have undertaken to pay for the use of county funds, and the interest accruing thereon shall be apportioned by the tax collector to the various funds earning the same. The bond of such county depository or depositories shall stand as security for all such funds. If the tax collector of such county shall fail or refuse to de-

posit tax money collected as herein required, he shall be liable to such depository or depositories for ten per cent upon the amount not so deposited and shall in addition be liable to the State and county and its various districts and other municipal subdivisions for all sums which would have been earned had this provision been complied with, which interest may be recovered in a suit by the State.

Upon such funds being deposited as herein required, the tax collector and sureties on his bonds shall thereafter be relieved of responsibility for its safe-keeping. All moneys subject to the control of the county treasurer or payable on his order belonging to districts or other municipal subdivisions, selecting no depository are hereby declared to be "county funds" within the meaning of this chapter and shall be deposited in accordance with its requirements and shall be considered in fixing the amount of the bond of such depository.

Art. 2445. If for any reason there shall be submitted no proposals by any banking corporation, association or individual banker to act as county depository, or in case no bid for the entire amount of the county funds shall be made, or in case all proposals made shall be declined, then in any such case the commissioners court shall have the power, and it shall be their duty, to deposit the funds of the county with any one or more banking corporation, association or individual banker, in the county or in adjoining counties, in such sums and amounts and for such periods of time as may be deemed advisable by the court, and at such rate of interest, not less than one and one-half per cent per annum, as may be agreed upon by the commissioners court and the banker or banking concern receiving the deposit, interest to be computed upon daily balances due the county treasurer; and any banker or banking concern receiving deposits under this article shall execute a bond in the manner and form provided for depositories of all the funds of the county, with all the conditions provided for same, the penalty of said bonds to be not less than the total amount of county funds to be deposited with such banker or banking concern.

Sec. 4. The fact that excessive fees and charges are now imposed upon county depositories for the naming of depository bonds by reason of the unnecessarily large amount of bonds required under existing law, thereby materially reducing the rate of interest payable to the counties for their funds, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 123, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Decherd.

S. B. No. 123:

An Act to make an emergency appropriation for the cost of construction of a fireproof dormitory, to supplement the present available appropriation for the erection of a power plant, and to provide for the maintenance, support and direction of the summer school at the Agricultural and Mechanical College of Texas for the fiscal year ending August 31, 1917, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of one hundred and thirty-six thousand one hundred and fifty dollars (\$136,150), or as much thereof as may be necessary, is herewith appropriated out of any funds in the State Treasury not otherwise appropriated for the erection of a fireproof dormitory to cost ninety thousand dollars (\$90,000), and the sum of forty-one thousand one hundred and fifty dollars (\$41,150) is appropriated for the purpose of supplementing the available appropriation of twenty-five thousand dollars (\$25,000) for the current year to cover the cost of erection of a power plant, and the sum of five thousand dollars (\$5,000) is herewith appropriated for the maintenance, support and direc-

tion of the summer school at the Agricultural and Mechanical College of Texas for the fiscal year ending August 31, 1917.

Sec. 2. The fact that the dormitory facilities at the Agricultural and Mechanical College are now taxed beyond their capacity, making it impossible to provide accommodations for a large number of additional students who will seek admission to the College in September, 1917, and the further fact that the present appropriation for the erection of a power plant is inadequate for the purpose, and the further fact that no funds at present are available for the maintenance and support of the summer session of the college, creates an emergency and an imperative public necessity for the suspension of the constitutional rule requiring that bills be read on three several days and that the said rule is hereby suspended and this Act shall take effect from the time of its passage, and it is so enacted.

Committee Room,
Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 71, and find it correctly enrolled, and have this day at 11:30 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By King, Hall and
Johnson of Hall.

S. B. No. 71.

An Act creating and providing for the enforcement of liens for material, machinery or supplies furnished to or for labor performed for owners of land, mines or quarries or owners of leaseholds for oil, gas or water wells, for oil or gas pipe lines and rights of way, or for mining or quarrying purposes, and for materials, machinery, supplies or labor for the construction, maintenance, operation or repair of oil, gas or water wells, or for oil or gas pipe lines, mines or quarries, and prohibiting the sale or removal of property subject to such liens without the consent of the lien holders, and providing a penalty therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any person, corporation, firm, association, partnership, material man, artisan, laborer or mechanic, who shall, under contract, express or implied, with the owner of any land, mine or quarry, or the owner of any gas, oil or mineral leasehold interest in land, or the owner of any gas pipe line or oil pipe line, or owner of any oil or gas pipe line right of way, or with the trustee, agent or receiver of any such owner, perform labor or furnish material, machinery or supplies used in the digging, drilling, torpedoing, operating, completing, maintaining or repairing any such oil or gas well, water well, mine or quarry, or oil or gas pipe line, shall have a lien on the whole of such land or leasehold interest therein, or oil pipe line or gas pipe line, including the right of way for same, or lease for oil and gas purposes, the buildings and appurtenances, and upon the materials and supplies so furnished, and upon said oil well, gas well, water well, oil or gas pipe line, mine or quarry for which same are furnished, and upon all of the other oil wells, gas wells, buildings and appurtenances, including pipe line, leasehold interest and land used in operating for oil, gas and other minerals, upon such leasehold or land or pipe line and the right of way therefor, for which said material and supplies were furnished, or labor performed. Provided, that if labor supplies, machinery or material is furnished to a leaseholder the lien hereby created shall not attach to the underlying fee title to the land.

Sec. 2. Any person, corporation, firm, association, partnership or material man who shall furnish such machinery, material or supplies to a contractor or subcontractor, or any person who shall perform such labor under a subcontract with a contractor, or who as an artisan or day laborer in the employ of such contractor or subcontractor, shall perform any such labor, shall have a lien upon the said land or leasehold interest therein, or oil pipe line or gas pipe line, including the right of way therefor, or lease for oil and gas purposes, the buildings and appurtenances, and upon the materials and supplies so furnished, and upon said oil well, gas well, water well, oil or gas pipe line

and the right of way therefor, mine or quarry, for which same are furnished, and upon all of the other oil wells, buildings and appurtenances, leasehold interest, oil or gas pipe line, including right of way, or land used in the operating for oil, gas or other minerals upon said leasehold or land for which said material and supplies were furnished and labor performed, in the same manner and to the same extent as the original contractor, for the amount due him for material furnished or labor performed.

Sec. 3. The lien herein provided for shall attach to the machinery, material, supplies and the specific improvements made in preference to any prior lien or encumbrance or mortgage upon the land or leasehold interest upon which the said machinery, material, supplies or specific improvements are placed or located; provided, however, that any lien, encumbrance or mortgage upon the land or leasehold interest at the time of the inception of the lien herein provided for shall not be affected thereby, and the holders of such liens upon such land or leasehold interest shall not be necessary parties in suits to foreclose the liens hereby created.

Sec. 4. The liens herein created shall be fixed and secured and notice thereof shall be given, and such liens shall attach and be enforced in the same manner, and material man's statement, or the lien of any laborer herein mentioned shall be filed and recorded within the same time, and in the same manner as provided for in Chapter 2, Title 86 entitled "Liens," of the Revised Statutes of 1911 of the State of Texas, relating to liens for mechanics, contractors, builders and material men as the same now exists or may hereafter be amended. Whenever any person shall remove any such property to a county other than the one in which the lien has been filed, the lien holder may within ninety days thereafter file an itemized inventory of the property so removed, showing how much there is due and unpaid thereon, with the clerk of the county to which it has been removed, which shall be recorded in the material man's lien records of such county, and such filing shall operate as notice of the existence of the lien and the lien shall attach and extend to the land or leasehold and other premises, properties and appurtenances to which said properties

so removed shall attach, of the kind and character enumerated in Sections 1 and 2 hereof.

Sec. 5. When the lien herein provided for shall have attached to the property covered thereby, neither the owner of the land nor the owner of said oil, gas or mineral leasehold interest therein, nor the owner of any gas pipe line or oil pipe line nor the contractor, nor the subcontractor, nor the purchaser, nor the trustee, receiver, or agent, of any such owner, lessor, lessee, contractor, subcontractor or purchaser, shall either sell or remove the property subject to said lien or cause same to be removed from the land or premises upon which they were to be used, or otherwise sell or dispose of the same, without the written consent of the holder of the lien hereby created, and in case of any violation of the provision of this article, the said lien holder shall be entitled to the possession of the property upon which said lien exists wherever found, and to have the same then sold for the payment of his debt, whether said debt has become due or not.

Sec. 6. If any person shall remove any property or any part thereof covered by the lien hereby created from the place where it was located when the lien herein provided for shall have been filed of record, without the written consent of the owner and holder of said lien, with intent to defraud the person having such lien, either originally or by transfer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five nor more than five hundred dollars.

Sec. 7. The provisions of this Act shall not be construed to deprive or abridge materialmen, artisans, laborers, or mechanics of any rights and remedies, now given them by law, and the provisions of this Act shall be cumulative of the present lien laws.

Sec. 8. Nothing in this Act shall be construed to fix a greater liability against the owner of the land or leasehold interest therein than the price or sum stipulated to be paid in the contract under which such material is furnished, or labor performed.

Sec. 9. It is hereby provided that if any of the provisions of this Act, shall, for any reason, be held to be invalid or unenforceable, the remain-

der of this Act shall, nevertheless, not be affected hereby, but shall remain in full force and effect.

Sec. 10. There being no law protecting laborers and materialmen for labor performed for owners of lands, mines or quarries or owners of leaseholds for oil, gas, pipe lines or rights of way for mining or quarrying purposes, creates an emergency and imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 83, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Dayton, Hudspeth S. B. No. 83.
and Hall.

An Act to amend Article 1307, Chapter 24, Title 25, Revised Civil Statutes of 1911, as amended by Chapter 152 of General Laws passed by the Thirty-fourth Legislature, approved April 7, 1915, relating to corporations formed for the purpose of storing, transporting, buying and selling oil and gas and other products, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 1307, Chapter 24, Title 25, Revised Civil Statutes of 1911, as amended by Chapter 152 of General Laws passed by the Thirty-fourth Legislature, approved April 7, 1915, be further amended to read as follows:

Article 1307. Such corporation shall have the right to borrow money to an amount not in excess of its paid up capital stock, as now provided by law, to issue stock and preferred stock, to mortgage its franchises and property to secure the payment of any debt contracted for any purposes of such corporation, and shall possess all the rights and powers of

corporations for profit in this State wherever the same may be applicable to corporations of this character. It may also engage in the oil and gas producing business, prospecting for and producing oil and gas and owning and holding lands, leases and other property for said purposes and subject to the provisions of Chapter 4 of this title; provided that no corporation shall exercise these powers while owning or operating oil pipe lines in this State. Any corporation heretofore or hereafter organized under this chapter, and owning or operating oil pipe lines in this State, shall separately incorporate such oil pipe lines with the consent of a majority in amount of its stockholders and subject to the restrictions hereinafter imposed, whereupon, in addition to other powers which it may possess, it shall then acquire the right and power to engage in said oil and gas producing business. Such separate incorporation shall be accomplished by the organization of another pipe line corporation under this chapter and the sale and conveyance to it of such oil pipe lines of the organizing company. In case of the ownership also of oil pipe lines beyond the borders of this State additional pipe line corporations may be organized outside of the State and such oil pipe lines located outside of the State may be sold and conveyed to them. In every case herein provided for the organizing corporation may subscribe for and own the capital stock of the organized pipe line corporation without being precluded from engaging in said oil and gas producing business. In lieu of engaging directly in the oil and gas producing business in any State or county a corporation organized under this chapter and authorized to engage in said producing business may own the stock of other corporations engaged therein, provided that it shall not own the stock of more than one producing corporation, or one pipe line corporation, organized under the laws of this or any other single State. Nor shall any corporation organized in any other State or country be permitted to own or operate oil pipe lines or engage in the oil producing business in this state when the stock of such corporation is owned in whole or in part by a corporation organized under this chapter. But the provisions hereof shall not preclude the ownership or operation by any corporation

of private pipe lines in and about its refineries, fields or stations, even though such corporation may be engaged in the producing business. And none of these provisions shall be construed as limiting, modifying or repealing any part of the law regulating oil pipe lines, or as authorizing any ownership or transaction the effect of which would be to substantially lessen competition or to violate any law or laws of this State prohibiting trusts and monopolies and conspiracies in restraint of trade or to violate any provision of the anti-trust laws of this State.

Sec. 2. The present state of the law on this subject, and the fact that the proposed enactment will simplify the regulation of pipe line companies, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 217, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 217.

An Act to amend Chapter 155 of the Acts of the Thirty-fourth Legislature; re-organizing the Seventy-fifth Judicial District of Texas, adding thereto the County of Tyler, and removing said County from the First Judicial District of Texas; fixing the time of holding Court in said Seventy-fifth Judicial District and Ninth Judicial District; repealing by omitting from this Act parts of Sections 1, 2, 3, and 4 of said Acts so amended, and repealing entirely Sections 6, 7, 8 and 9 of said Act so amended, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

That Chapter 155 of the laws passed by the Thirty-fourth Legisla-

ture be amended so as to hereafter read and be as follows:

Section 1. The Ninth Judicial District of the State of Texas shall hereafter be composed of the following named counties, to wit: Hardin, Liberty, Montgomery, San Jacinto and Polk, and the terms of the district courts in and for said Ninth Judicial District of Texas shall be begun and holden therein as follows:

In the County of Montgomery, on the second Monday in January and July of each year, and may continue in session four weeks.

In the County of Liberty, on the fourth Monday after the second Monday in January and July of each year, and may continue in session five weeks.

In the County of Hardin, on the eleventh Monday after the second Monday in January and July of each year, and may continue in session five weeks.

In the County of San Jacinto, on the sixteenth Monday after the second Monday in January and July of each year, and may continue in session four weeks.

In the County of Polk, on the twentieth Monday after the second Monday in January and July of each year, and may continue in session until the business is disposed of.

Sec. 2. The Seventy-fifth Judicial District of Texas shall hereafter be composed of the following named counties, to wit: Hardin, Chambers, Montgomery and Liberty and Tyler, which last named county is hereby removed from the First Judicial District and placed in said Seventy-fifth District and the terms of the district courts in and for said Seventy-fifth Judicial District shall be begun and holden therein as follows:

In the County of Hardin, on the first Monday of January and July of each year, and may continue in session five weeks.

In the County of Tyler, on the fifth Monday after the first Monday in January and July of each year, and may continue in session five weeks.

In the County of Chambers, on the tenth Monday and the twenty-second Monday after the first Monday in January, and the fourteenth Monday after the first Monday in July of each year, and may continue in session two weeks.

In the County of Montgomery, on the twelfth Monday after the first Monday in January, and the tenth Monday after the first Monday in July of each year, and may continue in session six weeks.

In the County of Liberty, on the seventeenth Monday after the first Monday in January and July of each year, and may continue in session six weeks.

Sec. 3. Either of the judges of the District Court of Montgomery, Liberty and Hardin Counties in said judicial districts may, at his discretion, either in term time or in vacation transfer any case or cases, civil or criminal, that may at any time be pending in his court to the other district court in said county by an order or orders entered upon the minutes of the court making said transfer; and where such transfer or transfers are made the clerk of said court shall enter such case or cases upon the docket of the court to which said transfer or transfers are made, and when so entered upon the docket the judge of said court shall try and dispose of such cases in the same manner as if such cases were originally filed in such court. The district courts of said Ninth and Seventy-fifth Districts shall each have and exercise concurrent jurisdiction co-extensive with the limits of said three counties in all civil and criminal matters of which district courts are given jurisdiction under the Constitution and laws of this State.

Sec. 4. The district clerks and sheriffs elected, qualified and acting as officers of the district court in the counties of Montgomery, Liberty and Hardin shall be alike officers of both the Ninth and Seventy-fifth Judicial Districts in their respective counties.

Sec. 5. The present judges of the Ninth Judicial District and of the Seventy-fifth Judicial District as same now exist shall remain the district judges of their respective districts as reorganized under the provisions of this Act and shall hold their office until the term for which they have been elected shall have expired and their successors are duly appointed or elected and qualified, and they shall receive the same compensation as now, or may hereafter be provided by law for district judges, and a vacancy in either or said offices shall be filled

as is now, or may hereafter be provided for by law.

Sec. 6. There shall be a district attorney in and for said Seventy-fifth Judicial District, and the said Ninth Judicial District, and the present district attorneys of the Seventy-fifth Judicial District and of the Ninth Judicial District as same now exist shall remain the district attorneys of their respective districts as reorganized under the provisions of this Act, and shall hold their office until the term for which they have been elected shall have expired and their successors are duly appointed or elected and qualified, and they shall receive the same compensation as now, or may hereafter be provided by law for district attorneys, and a vacancy in either of said offices shall be filled as is now, or may hereafter be provided for by law.

Sec. 7. All process issued in the First Judicial District and returnable to its terms as heretofore established in Tyler County and all recognizances and bonds returnable to said court shall be valid and returnable to the Seventy-fifth Judicial District Court sitting in Tyler County and all such process are hereby legalized; and all subpoenas and other process made returnable to said court shall be treated and considered as returnable to the term of the said Seventy-fifth Judicial District Court in said Tyler County as herein provided; and all grand and petit jurors drawn and selected under existing laws shall be considered lawfully drawn and selected in said Tyler County for the next term of the Seventy-fifth Judicial District Court as herein provided for and such process, is legalized and validated, and all process, recognizances and bonds heretofore issued or which may hereafter be issued before this Act takes effect returnable to the district court in Tyler County, shall be valid and considered returnable to the next term of court sitting after this Act takes effect and the succeeding term as provided by law. This Act shall not affect the term of any court in session at the time it goes into effect and said court so in session shall continue until the expiration of the term or the same be adjourned under existing laws, and thereafter the terms of said court shall conform to the provisions of this Act.

Sec. 8. All parts of Sections 1, 2, 3, and 4 of said Acts so amended are hereby repealed except as carried into this Act and all of Sections 6, 7, 8, and 9 of said Act so amended are hereby repealed and all laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 9. The crowded condition of the dockets of the courts of the Ninth Judicial District and of the Seventy-fifth Judicial District and the inability of the parties litigant to have their cases heard and disposed of without usual and disastrous delay, creates an emergency and an imperative public necessity calling for the suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 75, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Hudspeth. S. B. No. 75.

An Act to validate titles to school land which has been purchased from the State on condition of settlement and residence in cases where the purchaser made settlement thereon and filed his affidavit of settlement in the General Land Office but transferred the land before the expiration of one year from the date of award to another qualified purchaser; in cases where the purchaser settled on the land within the time required by law but failed to file in the General Land Office his affidavit of settlement within the time required by law; in cases where purchaser failed to settle on the land within ninety days from the date of award but actually settled on the land and filed his affidavit of settlement in the General Land Office as required by law, or who before the expiration of three years from date of award trans-

ferred the land but completed the occupancy and obtained a certificate of occupancy, and in cases where the purchaser has been prevented from making settlement by being called into the military service of the State or United States, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all cases where public school land has been purchased from the State on condition of settlement and residence and the purchaser complied with the law in making settlement thereon and filed his affidavit of settlement in the General Land Office, but before the expiration of one year from the date of award transferred the land to another qualified purchaser who became a settler thereon at the date of transfer to himself and who has continued to reside thereon in good faith making the same his home, the title under such purchase is hereby validated.

Sec. 2. In all cases where public school land has been purchased from the State on condition of settlement and residence and the purchaser made settlement within the time required by law, but failed to file his affidavit of settlement in the General Land Office within the time required by law, but has filed such affidavit, and in all cases where the purchaser failed to settle within the time required by law but did settle before the expiration of one hundred twenty days from date of award and filed his affidavit of settlement within the time required by law, the title under such purchase is hereby validated.

Sec. 3. In all cases where public school land has been purchased from the State on condition of settlement by a member of the National Guard and such purchaser has been prevented from making settlement by being called into military service, the title under such purchase is hereby validated.

Sec. 4. The fact that the titles of some of the citizens of Texas to their lands are in jeopardy creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days is hereby suspended, and that this Act take effect and be in

force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 133, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, February 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 203, and find it correctly enrolled, and have this day at 11:20 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By Hopkins.

S. B. No. 203.

An Act to make an emergency appropriation to construct and equip a fireproof dormitory, complete the administration building, and to provide summer support for the College of Industrial Arts, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sums hereinafter set out, or so much thereof as may be necessary, be appropriated out of any funds in the State Treasury, not otherwise appropriated for the construction and improvement of buildings, and for the support of the summer session of 1917 at the College of Industrial Arts for the following purposes:

To construct a fireproof	
Dormitory	\$125,000
To equip said fireproof	
Dormitory	15,000
To complete the Adminis-	
tration Building	8,500
For the summer support of	
the summer session of	
1917	8,500

Sec. 2. The fact that the Dormitory room at the College of Industrial

Arts is greatly inadequate and many young women of Texas are clamoring for admission and Dormitory facilities, and that the administration building is not completed and that no adequate provision is made for the maintenance of the summer session of 1917 at said College, creates an emergency and imperative public necessity, calling for the suspension of the constitutional rule requiring bills to be read on three several days, that said rule be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 13, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

By unanimous consent the Chair announced that the Senate would stand at ease for fifteen minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Excused.

Senator Johnston of Harris for yesterday on account of important business, on motion of Senator Dean.

See Appendix for brief statement of petitions and memorials.

See Appendix for standing committee reports.

Senate Bill No. 68—House Amendments Concurred In.

By unanimous consent, Senator McNealus called up Senate Bill No. 68, the pipe line bill, and moved to concur in the House amendments to the same, which are as follows:

Amend Senate Bill No. 68 by inserting after the word "hereof" at the end of Section 1 the following: "But the provisions of this Act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as above defined; nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system."

The motion to concur prevailed.

Special Committee Appointed.

The Chair announced the appointment of Senators Westbrook, Hall and Robbins as a special committee to investigate the removal of old cannon from the Capitol grounds, as provided by Senate Resolution No. 65, heretofore adopted.

Simple Resolution No. 72.

(By unanimous consent.)

Whereas, Hon. A. B. Davidson, a distinguished citizen of DeWitt County, Texas, ex-Lieutenant Governor and an ex-Senator of this State, is in the city; therefore be it

Resolved, That the privileges and courtesies of the Senate be, and they are hereby, extended him, and also that he be, and he is hereby, invited to address the Senate.

BAILEY.

The resolution was read and adopted.